

REMARKS

In the Office Action dated February 27, 2004, claims 6-11 and 15-29 are pending. Claims 15-19, 21, 22, 25-27 and 29 are withdrawn from further consideration as drawn to non-elected subject matter. Claims 6-11, 20, 23-24 and 28 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Claims 6-11, 20, 23-24 and 28 are also rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to satisfy with the written description requirement.

Applicants respectfully submit that the present claims satisfy the requirements under 35 U.S.C. § 112, first and second paragraphs. However, in an effort to favorably advance prosecution, Applicants have cancelled claims 6-11, 20, 23-24 and 28 without prejudice. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application. Applicants therefore respectfully submit that the rejections of claims 6-11, 20, 23-24 and 28, are moot in view of cancellation of these claims.

Applicants have also cancelled claims 15-19, 21, 22, 25-27 and 29 without prejudice. Applicants reserve the right to pursue claims 15-19, 21, 22, 25-27 and 29 in a divisional application.

Applicants have added claims 30-33. Claims 30 and 31 delineate a recombinant haemopoietin receptor and a ligand binding portion in terms of their amino acid sequence. Claims 32 and 33 are directed to pharmaceutical compositions comprising the recombinant haemopoietin receptor or the ligand binding portion and a pharmaceutically acceptable carrier or diluent. Support for claim 30 is found in the specification, e.g., at page 1, lines 7-9, page 7, lines 12-17, and in Figure 2. Support for claim 31 is found, e.g., in page 34, lines 4-7, and in Figures 1 and 2. Support for claims 32 and 33 is found in the specification at page 16, lines 6-9.

Applicants submit that new claims 30-33 are in condition for allowance. No new matter is introduced.

In view of foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'F. DiGiglio', is written over the typed name.

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